

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
JOHN A. WORSTELL,) CASE NO. 10-20313 JPK
) Chapter 11
Debtor.)

ORDER INVALIDATING NOTICE REGARDING DEADLINE
FOR OBJECTION TO APPLICATION TO EMPLOY ATTORNEY

On February 8, 2010, the debtor filed an Application to Employ Attorney, seeking the court's approval of Kenneth A. Manning as counsel for the debtor-in-possession. Attorney Manning utilized a "Notice of Opportunity to Object" with respect to the application, a notice which is not authorized by any law or rule.¹ The court would let the notice go, but for the fact that it is erroneous. A portion of the Notice is correct, stating pursuant to N.D.Ind.L.B.R. B-2014-1(c) that the deadline for objection to the application is seven days prior to the date first set for the § 341 meeting, or within 21 days following service of the application, whichever is later. However, the notice provides a deadline for objection of March 1, 2010, despite stating on its face that the § 341 meeting is first scheduled for March 12, 2010. Twelve (12) minus seven (7) is five (5), and the deadline for objection is actually March 5, 2010 (the notice was served on February 8, 2010; 20 days from that date is March 1, 2010; however, the last the court checked the calendar, March 5 was later than March 1).

IT IS ORDERED that the foregoing notice is invalidated and is void for any purpose.

IT IS FURTHER ORDERED that creditors and parties-in-interest have until **March 5, 2010** to file an objection or request for hearing with respect to the above-designated Application.

Dated at Hammond, Indiana on February 18, 2010.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:

Debtor, Attorney for Debtor, US Trustee, All Creditors, All Parties-in-Interest

¹ The initial application to employ counsel for the debtor-in-possession with respect to an attorney who filed the case is not an "application to employ professional *nunc pro tunc*" within N.D.Ind.L.B.R. B-2002-2(a)(24).